

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: Hjerpe, Richard A.
HIDEKI YOSHINAGA, ET AL.)	
	:	Group Art Unit: 2629
Application No.: 10/553,038)	
	:	Confirmation No.: 6783
Filed: June 25, 2008)	
	:	October 29, 2010
For: DISPLAY APPARATUS)	

Mail Stop Petitions

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. 1.102 AND PATENT APPLICATION
BACKLOG REDUCTION STIMULUS PLAN

Sir:

Applicants respectfully request that the above-identified application (“this application”) be accorded special status under 37 C.F.R. 1.102, in accordance with the **Project Exchange/Patent Application Backlog Reduction Stimulus Plan, Extension thereof, and Expansion and Extension thereof** (collectively hereinafter referred to as the “Backlog Reduction Plan”), as published in 74 Fed. Reg. 62285 (Nov. 27, 2009), 75 Fed. Reg. 5041 (Feb. 1, 2010), and 75 Fed. Reg. 36063 (June 24, 2010), respectively.

STATEMENT OF FACTS INVOLVED

- (1) This application is a nonprovisional application that has an actual filing date earlier than October 1, 2009.

- (2) US. Patent Application No. **12/503,036** (“the ‘036 application”) is a co-pending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 C.F.R. 1.53.
- (3) This application and the ‘036 application are owned by the same party (**Canon Kabushiki Kaisha**) as of October 1, 2009.
- (4) The ‘036 application has not yet been taken up for examination.
- (5) On October 29, 2010, a letter of express abandonment under 37 C.F.R. 1.138(a) was filed in the ‘036 application, accompanied by statements including:
 - a. a statement that Applicant of the ‘036 application (“ ‘036 Applicant”) has not and will not file an application that claims the benefit of the ‘036 application under any provision of title 35, United States Code;
 - b. a statement that ‘036 Applicant agrees not to request a refund of any fees paid in the ‘036 application; and
 - c. a statement that ‘036 Applicant has not and will not file a new application that claims the same invention claimed in the ‘036 application.

POINTS TO BE REVIEWED AND APPLICANTS’ STATEMENTS

- (1) The express abandonment of another co-pending application (*i.e.*, the ‘036 application) constitutes the basis under which special status is being sought in this application.
- (2) Applicants have included herewith, a copy of the letter of express abandonment and the statements that accompany the letter of express abandonment, filed in the ‘036 application.
- (3) This application and the ‘036 application are related by being commonly assigned to and owned by Canon Kabushiki Kaisha (Tokyo, Japan) as of October 1, 2009. Accordingly,

Applicants submit that this relationship qualifies this application for special status under 37 C.F.R. 1.102 and the Backlog Reduction Plan.

- (4) The application that is being expressly abandoned is U.S. Patent Application No. 12/503,036.
- (5) Applicants certify that they have not filed petitions in more than fourteen other applications requesting special status under the Backlog Reduction Plan.
- (6) Applicants agree to make an election without traverse in a telephone interview if the Office determines that the claims of this application are directed to two or more independent and distinct inventions.
- (7) The express abandonment of the '036 application has not formed the basis for any other petition under 37 C.F.R. 1.102.
- (8) Accordingly, Applicants submit that this application, by this petition, the foregoing points and statements, and the documentation accompanied herewith, satisfies the requirements of the Backlog Reduction Plan.

ACTION REQUESTED

Applicants respectfully requests that this application be granted special status under 37 C.F.R. 1.102, thereby being advanced out of turn for examination.

CONCLUSION

Applicants believe that no fee is required to consider this petition, as the customary fee to consider a petition to make special for applications pertaining to the Backlog Reduction Plan has been waived. Nonetheless, the Director is hereby authorized to charge any deficiencies in fees, or credit any overpayments, to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Scott D. Malpede/

Scott D. Malpede
Attorney for Applicants
Registration No. 32,533

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, NY 10104-3800
Facsimile: (212) 218-2200

SDM/SKY/rnm

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: Coles, Edward L.
CHARLES ARMSTRONG)	
	:	Group Art Unit: 2625
Application No.: 12/503,036)	
	:	Confirmation No.: 7324
Filed: July 14, 2009)	
	:	October 29, 2010
For: PROVIDING CONFLICT)	
INFORMATION FOR PRINT SETTINGS	:	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENTS BY APPLICANT WHICH
ACCOMPANY LETTER OF EXPRESS ABANDONMENT

Sir:

Applicant is filing herewith a Letter of Express Abandonment under 37 C.F.R. 1.138(a) in the above-identified application ("this application").

Applicant also makes the following statements in this application, which shall form the basis for a petition under 37 C.F.R. 1.102 in another co-pending application (Application No. 10/553,038):

- (1) Applicant has not and will not file an application that claims the benefit of this application under any provision of title 35, United States Code.
- (2) Applicant agrees not to request a refund of any fees paid in this application.
- (3) Applicant has not and will not file a new application that claims the same invention claimed in this application.

Applicant submits that the foregoing statements satisfy the requirements under the Project Exchange/Patent Application Backlog Reduction Stimulus Plan (“the Plan”). Accordingly, Applicant submits that this application properly serves as a basis for a petition under 37 C.F.R. 1.102 in another co-pending application in accordance with the Plan.

Applicant’s undersigned attorney may be reached in our Washington, D.C. Office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Scott D. Malpede/

Scott D. Malpede
Attorney for Applicant
Registration No. 32,533

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10104-3800
Facsimile: (212) 218-2200

SDM/SKY

FCHS_WS 5598078v1.doc

**EXPRESS ABANDONMENT UNDER
37 CFR 1.138**

File the petition electronically using EFS-Web

Or Mail the petition to:

Mail Stop Express Abandonment

Commissioner for Patents

P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	12/503,036
Filing Date	2009-07-14
First Named Inventor	Charles Armstrong
Art Unit	2625
Examiner Name	Coles, Edward L.
Attorney Docket Number	03650.006518.

Please **check only one** of boxes 1 or 2 below:*(If no box is checked, this paper will be treated as a request for express abandonment as if box 1 is checked.)*

1. ☒ **Express Abandonment**
I request that the above-identified application be expressly abandoned as of the filing date of this paper.
2. ☐ **Express Abandonment in Favor of a Continuing Application**
I request that the above-identified application be expressly abandoned as of the filing date accorded the continuing application filed previously or herewith.

NOTE: A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01.

TO AVOID PUBLICATION, USE FORM PTO/SB/24A INSTEAD OF THIS FORM.**TO REQUEST A REFUND OF SEARCH FEE AND EXCESS CLAIMS FEE (IF ELIGIBLE), USE FORM PTO/SB/24B INSTEAD OF THIS FORM.**

- I am the: ☐ applicant.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☒ attorney or agent of record. Attorney or agent registration number is 32,533
- ☐ attorney or agent acting under 37 CFR 1.34, who is authorized under 37 CFR 1.138(b) because the application is expressly abandoned in favor of a continuing application (box 2 above must be checked). Attorney or agent registration number is _____.

/Scott D. Malpede/

Signature

Scott D. Malpede

Typed or printed name

2010-10-29

Date

202-531-1010

Telephone Number

Note: Signature of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process an application). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Express Abandonment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.